

## TOWN COUNCIL.

STREET IMPROVEMENTS THE LEADING TOPIC OF DISCUSSION.

No Objections to Jerome Place Opening—Report on the Williamson Avenue Bridge—Report of the Sidewalk Committee on the Glenwood Avenue Petition.

Every member of the Town Council was present at the Council session Monday night. A large number of people interested in the several street improvement petitions now before the Council were present at the meeting.

Clerk Johnson reported that no objections had been filed to the proposed improvement of Jerome Place and Walnut Street, and the matter was referred to the Legal Committee. M. E. Hambacher and Charles Grieshaber objected to the assessment made upon them for the proposed opening of Olive Street, and they stated that unless a large reduction was made in their assessments they would protest against the opening of the street. Lazelle P. Heinrichs objected to the amount of damages awarded him for the land which the town proposed to take to open the street. On motion of Councilman Conlan it was agreed that the Council, Board of Assessors and the property owners interested meet on the ground Saturday afternoon.

Frank Foster objected to the assessment on his property in the opening of Delaware Avenue, as he said he owned more land than was named in the assessment. Engineer A. H. Olmsted said that there was a mistake somewhere, but Mr. Foster maintained he had a deed for fifty feet from the original owner, Edwin A. Rayner, and the assessment was just nine inches short. Mr. Foster and Mr. Olmsted engaged in a lively discussion, during which Mr. Foster declared Mr. Olmsted had made one survey correct, but it must have been an accident. A motion that the matter be rectified and Mr. Foster given an assessment on the extra nine inches prevailed.

The Legal Committee was requested to prepare an ordinance for the construction of a sewer in Chiffre Street, there being no objection filed against carrying out the petition of property owners along the street for a sewer.

Councilman Moore of the Legal Committee made the usual progress report on the franchise application of the Essex Cross Railway Company. Mr. Moore reported on the matter of the Williamson Avenue railroad bridge. Mr. Buckholz of the engineering department of the Erie Railroad, Mr. Moore said, had promised to make a thorough investigation of the bridge structure, after which he would notify Mr. Moore of what the railroad company would do in the way of repairs.

Chairman Farrand of the Street Lighting Committee said that his attention had been called to the erection of chestnut poles for electric lighting purposes, instead of octagonal poles, as called for in the ordinance. Mr. Farrand declared that the former were better for the purpose, although some citizens objected to them. The matter of allowing them to be erected in the future was referred to the Lighting Committee.

Town Treasurer Harry L. Osborne presented his monthly report, and it was placed on file. Chief of Police Collins reported thirty-five arrests during October and \$75.50 collected in fines. A resolution providing for assessments on properties benefited by the construction of the Morton Street sewer was adopted. The sewer is now completed. S. Ezra Gilson of Watessing was given permission to construct a sanitary sewer on his property, through Moller Place, from Clearfield Avenue to the point of junction with the public sewer at Watessing Avenue.

Councilman Moore, Chairman of the Sidewalk Committee, made a statement of the plans of that committee relative to the Glenwood Avenue sidewalk, and also with respect to other streets in which better sidewalks were made with regard to Glenwood Avenue. It is the intention of the Sidewalk Committee to make a continuous sidewalk along the west side of the street from the Washington Street to Second River bridge. Mr. Moore said that the Sidewalk Committee would take similar action with respect to other streets and secure to pedestrians a good sidewalk on at least one side of those streets that now only have patches of flagstone walk.

A petition was received from property owners in the vicinity of Washington and Thomas Streets, asking that a storm sewer be constructed to drain lands in that neighborhood. Addison Roubaud, one of the petitioners, declared that the water remained there for some time after a heavy rain and was a menace to health. After considerable discussion the matter was referred to the Sewer Committee to report later.

Chief of Police Collins reported thirty-seven arrests and \$88 collected in fines during the month of October.

A. H. Olmsted was formally appointed

engineer for the Weaver Avenue and Cedar Street improvements.

Councilman Conlan submitted the monthly report of Town Treasurer Harry L. Osborne.

Bills amounting to \$5,889.52, including the salaries of the Councilmen for six months, were passed.

## THIEF IN AUSTIN PLACE.

While Councilman and Mrs. W. Douglas Moore were at Church Sunday Evening a Burglar Entered Their Home and Turned Things Topsy Turvy Without Disturbing Their Sleeping Children.

The residence of Councilman W. Douglas Moore, No. 12 Austin Place, was ransacked by a burglar Sunday evening while Mr. and Mrs. Moore were at service at Westminster Presbyterian Church. The thief gained entrance to the house by prying open with a jimmy the parlor window overlooking the piazza, and he made his exit through a rear window of the dining room. Mr. and Mrs. Moore's three children were asleep in the house while the thief was at work.

Mr. and Mrs. Moore accompanied by Ellis Williamson returned from church about nine o'clock. When they got into the house and flipped up the room Mr. Moore's attention was attracted by the confused appearance of some things on a small table in the room, but it did not occur to him that the house had been entered. Other evidences of a disturbed condition of things were soon noted, and an investigation began which speedily demonstrated that the house had been looted throughout. Bureau and closets had been ransacked, and their contents thrown out on the floor, bedding was overturned in the search for money and valuables, and everything was in an apparent state of disorder.

Mr. Moore hastily made a tour of the house from cellar to attic, and then went to the police station and reported the robbery. Chief Collins made an investigation of the premises and took an inventory of the missing articles. Silverware and jewelry including a gold watch and necklace belonging to Mrs. Moore were among the goods stolen.

Policeman Lawrence Shorter had passed Mr. Moore's house a short time before the robbery was committed, but the thief took precaution to protect himself from observation by pulling down the window shades in the rooms in which he was at work. The robbery was one of the boldest that has occurred in this town in some time.

## Municipal Ownership.

The tendency among Essex County municipalities is towards municipal ownership of public buildings. East Orange owns the building in which the city offices are located. Orange is building a city hall and Montclair owns its fire houses, and the voters of West Orange decided upon a city hall building upon which it is proposed to build a municipal building. The plot is bounded by Valley Road, Mount Pleasant Avenue and Fairmont Avenue. It is known as the Hardenberg tract, and will cost West Orange \$22,500, which includes several buildings on the property. The meeting was held in the council chamber in St. Mark's School and 124 votes were cast, the successful proposition receiving 115. One of the most obvious needs in this town is new fire houses, and they should be owned by the town.

## Board of Health.

The Board of Health held its monthly meeting Thursday night. D. H. Baldwin of Montclair was reappointed to the position of analytical chemist. One of the principal matters discussed was the problem of sewerage for that part of the town south of Watessing Avenue. A conference of the members of the local Board of Health with members of the Belleville and Newark authorities will shortly be held for the purpose of considering this matter.

## Manual Training.

The Board of Education adopted a resolution at a meeting November 17 Monday, to accept the offer of the State Superintendent so to arrange the art course here that manual training will be taught here without additional cost. The State will allow the town half the cost of the art course provided the town assumes half the cost of the manual training. For this purpose fifteen hundred dollars will be given to the town this year from the State treasury.

The Board of Education, to carry out this plan, adopted also a course of study in manual training which provides for practical work in all classes in sewing, wood-working, cooking, and other manual training subjects. Miss Alice H. Locke of Brooklyn, a graduate of the Pratt Institute Art and Manual Training Department has been employed by the Board to take charge of the new work under the direction of Mrs. Davis, the art director.

## THE CEMETERY CASE.

SUPREME COURT DECISION IN FAVOR OF THE COMPANY.

The Court Upholds the Action of the State Board of Health—No Appeal will be taken to the Court of Errors and Appeals—Review of the Cemetery Project.

The Supreme Court on Monday gave a decision in the St. James Lutheran Cemetery case. The Court sustained the action of the State Board of Health in granting permission to the St. James Lutheran Cemetery Association to locate a cemetery in this town. In the opinion given by Justice Dixon he said:

"The application for a cemetery was first presented December 24, 1900, to the Council of the town, and being approved by that body was then presented to the local Board of Health, which, on March 5, 1901, refused to give its consent. Thereupon the applicants appealed to the State Board of Health, and on June 25, 1901, that board passed a resolution by which the action of the local authorities was reversed and the desired permission given. This resolution was set aside by this court at the February term because the parties interested had not been heard before a committee of the board.

"Afterward, on April 22, 1902, the counsel of the respective parties were notified that on May 8 a hearing would be given by the State Board in the State House, and at that time and place counsel appeared and both sides were fully heard by the board. The result of the board's deliberations was another resolution, passed May 22, 1902, to the same effect as that of June 25, 1901, which resolution is now before the court.

"The first objection made to this resolution is that the board had no jurisdiction in the matter, by which is meant, according to the brief of counsel for the prosecutors, that no appeal to that board would be unless both of the local boards had concurred in granting or refusing consent. This point has already been decided adversely to the prosecutors in the former case.

"This is the second time that the cemetery case has been passed upon by the Supreme Court. When the local Board of Health refused to give its consent to the establishment of the cemetery after the Town Council had approved the project, an appeal was made to the State Board, with the result that the latter body decided in favor of the cemetery promoters. An appeal was then made to the Supreme Court, which set aside the State Board's permit on the ground that the promoters had not been given an opportunity to be heard. In May last argument was again heard by the State Board, and on May 22 it passed a resolution permitting the location of the cemetery in Bloomfield.

"The matter was taken to the Supreme Court on certiorari proceedings, the right of the State Board of Health to confirm the action of the municipal authorities being at stake. In the syllabus of the opinion Justice Dixon lays down the law as follows:

"On appeal to the State Board of Health to reverse the determination of a municipal council and a local Board of Health respecting the location of a new cemetery, the State Board, although acting judicially, is not required to examine witnesses under oath on matters in controversy before it. On such an appeal the State Board may consider a report made by one of its committees on previous hearing in regard to the same matter. On such an appeal the board is not confined to the consideration of sanitary questions.

"The determination of the board on such an appeal is presumed to rest upon proper grounds, and that presumption can be overcome only by the certificate of the board to the contrary, or by clear proof to the contrary, in case a rule to obtain the board's certificate prove ineffectual.

"Monday's decision is regarded as ending the cemetery litigation, and it is authoritatively stated that the case will not be appealed.

## Town Council.

At the Town Council meeting Monday night Councilman Moore of the Legal and Franchise Committee made the usual progress report on the Essex Cross Railway Company's franchise application.

Councilman Conlan of the Sewer Committee introduced the Charles Street sewer ordinance to first reading. Ordinances for the opening of Jerome Place and Delaware Avenue were also introduced. The Olive Street ordinance was laid over until next meeting.

Councilman Moore stated that Chief Engineer Buckholz of the Erie Railroad Company had reported that the Williamson Avenue bridge matter was in the hands of the company's officials, and that an answer would soon be given as to the intention of the company with regard to the bridge.

Howard W. Freeman sent a letter to the Council about the grade of Thomas Street sidewalk. The matter was referred to the Sidewalk Committee.

Hugh D. King's complaint about children playing in the streets was referred to the Sidewalk Committee.

The Newark Water Board's request for permission to lay a sixty-inch water main along Bloomfield Avenue through the town was referred to the Legal Committee.

The Council ordered bills paid to the amount of \$12,000. Among them were the water and light bills.

## A HALT ADVISED.

BY COUNCILMAN WALKER OF THE SECOND WARD.

In the Matter of Granting by the Council of Petitions for Street Improvements—He Thinks Existing Obligations Should Be Settled Before New Ones are Assumed—A Topic of General Discussion by the Council.

At the meeting of the Town Council on Monday night Councilman Walker advocated a halt in the matter of opening new streets and constructing sewers until such time as at least a part of the heavy obligations which the town is now carrying are redeemed by the collection of the assessment that is to be levied on the property-owners benefited. Mr. Walker claimed that he followed amounts for streets and sewers had been paid by the town, but none of the money had as yet been received from the property-owners. Linden Avenue improvement, \$3,200; Morton Street sewer, \$551; Belleville storm sewer, \$4,572.23; Essex Avenue sewer, \$673.91. Mr. Walker's advocacy of a halt was prompted by the fact that there are several more petitions for street improvements and sewers now before the Council, and he advised that some of the pending assessments be closed up before further obligations were assumed. Mr. Walker wanted to know if it was not possible for the Board of Assessors to advance the work of assessment so that it would be known to a certainty whether the property-owners would have to pay for the improvements or the town be liable for the whole amount. Mr. Walker's proposition led to a general discussion of the subject of street improvement under the assessment plan, in which Chairman Peterson and Councilmen Conlan, Harrison and Moore participated.

Town Attorney Halpinny said that the granting of any improvement petition was optional with the Town Council, and the Council could impose conditions in granting it, such as compelling the petitioners to pay all or part of the cost of the improvement before the Council undertook to carry out the work.

S. P. Gilbert, clerk of the Board of Assessors, was present, and at the request of the Council made a statement showing the present state of the several improvements that are to be paid for by assessment. Mr. Gilbert made it clear to Mr. Walker and others that the apparent delay was not attributable at all to neglect, but to the method of legal procedure that had to be followed in all cases. Mr. Gilbert pointed out that Mr. Walker's suggestion of holding up all further petitions until those granted are paid for would not be possible, as the property-owners had ten years in which to pay for improvements. In the case of Linden Avenue, Mr. Gilbert said, the Board of Assessors had not been formally notified by the Council that the work was completed.

## GUILTY OF NEGLIGENCE.

ON THE PART OF PARENTS IN ACCIDENT CASES WHERE CHILDREN ARE INJURED.

Hugh D. King Would Prosecute Parents Who Permit their Children to do Stunts in the Highways—A Great Annoyance to Drivers and Motor-men—The Police Asked to Keep the Roadways Clear of Children.

At the meeting of the Town Council on Monday night the following letter relative to a public nuisance and source of danger was read by the Clerk: To the Honorable Town Council of the Town of Bloomfield:

GENTLEMEN: I wish to call attention to the dangerous practice of children playing in that portion of the public highways devoted to vehicle traffic, and especially in those streets used by street railway companies, and particularly do I want to direct attention to those daring urchins who stand in the street deliberately waiting to see how closely they can escape from the danger of being run over, or see how close they can stand to a passing car or other vehicle.

These reckless and feckless children are a source of annoyance and aggravation to drivers and motorists. In the case of drivers of horses the danger is even greater than with street cars, for it is well known that when a spirited horse or team of horses is pulled up quickly the animals will try to spring forward or lurch quickly to one side despite the efforts of the driver to prevent injury to anyone in the roadway, and one of these reckless children, and sometimes young men, is very liable to be knocked down before a driver can get his horse under control. I often see boys between the car tracks chasing car after car to see how close they can run to, and again see them trying how long they dare stand on the track when the car is coming towards them. It seems too, gentlemen, that the parents of such children can be, and should be, prosecuted for criminal neglect. The policemen should be instructed to see to it that the driving portion of streets be kept free from children except for the necessary uses, and particularly should children be prevented from making a playground of the middle of the highway.

I am sure that neither drivers nor motorists wish to injure any of these careless and daring children, or stand the consequences of prosecution and damages for injuring them, nor do the owners of wagons want to pay bills for damages caused by their drivers. In many of these accident cases the fault is due to the neglect of parents and the carelessness and daring of children. Respectfully yours,

HUGH D. KING.

Chairman Peterson approved of the sentiments expressed in Mr. King's letter to the Council, and said that he had personally observed the same reckless daring on the part of children that Mr. King had alluded to. The matter was referred to the Police Committee with power.

## Mr. Eppley's Ultimatum.

In a communication read Wednesday night at a meeting of the Irvington Town Council, the Essex Cross Railway Company, whose petition for a franchise has been pending before that body for nearly a year, submitted an ultimatum to the effect that unless certain amendments mentioned in the letter were made, it would decline to accept the franchise and would request that its petition be withdrawn. The missive added that the Board of Directors, in event of the petition being withdrawn, would build the road on private rights of way. No comment was made by any of the Councilmen, and after formally receiving the communication the hearing was again continued to December 2.

The amendments demanded by the trolley company relate to the clauses regarding rail, paving between and outside the tracks, the opening of the private rights of way by the town, street sprinkling, time of completion of the road, and the levying of a tax of three and one-half per cent. on the gross earnings. It is asked that the latter clause be stricken out entirely, substituting an amendment providing for annual payments of \$200. At a conference held last Thursday night between President Francis M. Eppley and the Councilmen, the amendments as submitted were discussed at considerable length, but the Councilmen would not recede from their position, and insisted upon the ordinance remaining in its present form.

